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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,499	11/24/2003	John Hal Howard	MS1-0367USC1	4593
22801 7590 12/08/2008 LEE & HAYES, PLLC 601 W. RIVERSIDE AVENUE SUITE 1400 SPOKANE, WA 99201				
EXAMINER WHIPPLE, BRIAN P				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/720,499

**Applicant(s)**

HOWARD ET AL.

**Examiner**

BRIAN P. WHIPPLE

**Art Unit**

2452

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. Claims 1-23 are pending in this application and presented for examination.

#### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/17/08 has been entered.

#### ***Response to Arguments***

3. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-4 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. As to claim 1, Applicant repeats the “determining that [a/the] client seeking access to the first server is not authenticated by the authentication server” limitations three times. The second instance of the limitation appears to be inadequately differentiated from the first instance. Applicant may have intended for the limitation to rely upon the preceding limitation related to “at a time...” In other words, the Examiner believes the “at a time...” limitation should be followed by the rest of the limitations, wherein a colon appears at the end of the “at a time...” limitation and the remaining limitations are indented to clarify their relation to the “at a time...” limitation. The third instance of the limitation appears to be accidentally repeated as it is immediately preceded by the same limitation.

Additionally, because the “at a time...” limitation is not connected adequately to the following limitations, it may be treated as a separate piece of the claim. It therefore becomes vague and indefinite, because without a related limitation, it is merely a claim of a time after a previous step without any further action.

7. Claims 2-4 and 6 are rejected to their dependency on, and inclusion of, the problematic language of claim 1.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1, 3-10, and 13-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiche, U.S. Patent No. 6,092,196, in view of Alegre et al. (Alegre), U.S. Patent No. 6,199,113 B1, further in view of Starkovich et al. (Starkovich), U.S. Patent No. 6,715,080 B1, and further in view of what was well known in the art.

10. As to claim 1, Reiche discloses a method for seeking access to a first server (Col. 8, ln. 47-52), the method comprising:

determining that a client seeking access to the first server is not authenticated by an authentication server (Col. 9, ln. 6-9 and 18-20);

communicating a request for login information to be returned to the authentication server from the client (Col. 9, ln. 21-26 and 38-39);

receiving the first login information at the authentication server from the client (Col. 9, ln. 38-39);

authenticating the client by comparing the login information with authentication information maintained by the authentication server (Fig. 2b, *especially* items 224 and 226; Col. 9, ln. 39-45); and

when the login information matches the authentication information (Fig. 2b, *especially* items 224 and 226; Col. 9, ln. 39-45),

generating a user authentication indicator at the authentication server (Col. 9, ln. 39-45); and

sending the user authentication indicator to the first server (Col. 9, ln. 51-55; Col. 10, ln. 1-3).

Reiche is silent on sending the user profile information associated with the login information to the first server.

However, Alegre discloses sending the user profile information associated with login information to a first server (Col. 6, ln. 17-22; this action is also performed in response to the login information matching the authentication information, “UID and PWD are authenticated”).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Reiche by sending a user profile information associated with login information to a first server as taught by Alegre in order to authenticate a user and then link the user's authentication to the user's profile (Alegre: Col. 6, ln. 17-22). Linking authentication to a user profile would result in known benefits such as storing a user's authentication or creating a secure menu to a user based on the authentication and the user's profile (Alegre: Col. 6, ln. 17-22, "creates a trusted network access menu page using the user profile"); thereby enabling a trusted user to access a secure and personally tailored menu.

Reiche and Alegre are silent on associating the login information with a user profile information; and

at a time after sending the user authentication indicator to the first server:

repeating the claimed steps for another authentication of the client.

However, Starkovich discloses associating the login information with a user profile information (Col. 11, ln. 15-18).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Reiche and Alegre by associating the login information with a user profile information as taught by Starkovich in order to "save the user the hassle of repeatedly inputting authentication information" (Starkovich: Col. 11, ln. 17-18).

Reiche, Alegre, and Starkovich are silent on at a time after sending the user authentication indicator to the first server:

repeating the claimed steps for another authentication of the client.

However, Official Notice (see MPEP 2144.03) is taken that repeating authentication for a client, such as when a session has expired, was well known in the art. For example, Starkovich even implies this through its inclusion of an expiration field in the authentication cookie (Col. 13, ln. 1-8).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Reiche, Alegre, and Starkovich by repeating authentication of the client as was well known in the art in order to decrease the likelihood of undesired users accessing private information, such as when a user leaves a computer unattended for a period of time.

11. As to claims 7, 16-17, and 20, the claims are rejected for reasons similar to claim 1 above.

12. As to claim 13, the claim is rejected for reasons similar to claim 1 above.

It is clear that if the authentication server maintains an authentication database and the user submits his user ID and password, that the user had to register said user ID and



password with the authentication server (Reiche: Fig. 2b, *especially* items 224 and 226; Col. 9, ln. 28-30 and 38-45).

13. As to claim 14, the claim is rejected for reasons similar to claim 13 above.

14. As to claim 3, Reiche, Alegre, Starkovich, and what was well known in the art disclose the invention substantially as in parent claim 1, including the user authentication indicator includes a time stamp indicating the last time the client's login information was refreshed (Reiche: Col. 10, ln. 11-15; Col. 11, ln. 53).

15. As to claim 4, Reiche, Alegre, Starkovich, and what was well known in the art disclose the invention substantially as in parent claim 1, including the user authentication indicator includes a time stamp indicating the last time the client sent login information (Reiche: Col. 11, ln. 54).

16. As to claims 8 and 22-23, the claims are rejected for reasons similar to claims 3-4 above.

17. As to claim 5, the claim is rejected for similar reasons to claim 1 above.

Reiche, Alegre, Starkovich, and what was well known in the art disclose the invention substantially as in parent claim 1, including computer-readable memories containing a computer program that is executable by a processor (Reiche: Fig. 1, *especially* items 115, 122, and 152; Col. 6, ln. 3-5).

18. As to claim 6, Reiche, Alegre, Starkovich, and what was well known in the art disclose the invention substantially as in parent claim 1, including the login information is used to authenticate the client with respect to the authentication server but does not have to be transmitted to the first server to authenticate the client with respect to the first server (Reiche: Col. 9, ln. 6-9, 18-26, and 38-39).

19. As to claims 15 and 19, the claims are rejected for reasons similar to claim 6 above.

20. As to claim 9, Reiche, Alegre, Starkovich, and what was well known in the art disclose the invention substantially as in parent claim 7, including the network server includes a web server coupled to the Internet (Reiche: Col. 8, ln. 47-52).

21. As to claim 10, Reiche, Alegre, Starkovich, and what was well known in the art disclose the invention substantially as in parent claim 7, including the received login information includes a login ID and a password (Reiche: Col. 9, ln. 28-30).

22. As to claim 18, the claim is rejected for reasons similar to claim 10 above.

23. As to claim 21, Reiche, Alegre, Starkovich, and what was well known in the art disclose the invention substantially as in parent claim 20, including the network server is to deny access to the client if the user authentication indicator indicates that the client is not authenticated (Reiche: Fig. 2b, *especially* item 226 and the corresponding “No” branch leading to “E”; Fig. 2c, *especially* item 242 and the corresponding “No” branch leading to “E”; Col. 10, ln. 1-3).

24. Claims 2 and 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiche, Alegre, Starkovich, and what was well known in the art as applied to claims 1 and 7 above, further in view of Kaufman et al. (Kaufman), U.S. Patent No. 5,418,854.

25. As to claim 2, Reiche, Alegre, Starkovich, and what was well known in the art disclose the invention substantially as in parent claim 1, including the user authentication

indicator (Reiche: Col. 10, ln. 1-3), but are silent on the indicator does not contain reference to the login information.

However, Kaufman discloses the user authentication indicator does not contain reference to the login information (Col. 4, ln. 3-19 and 33-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Reiche, Alegre, Starkovich, and what was well known in the art by not including a reference to login information in a user authentication indicator as taught by Kaufman in order to protect the confidentiality of a user's password (Kaufman: Col. 4, ln. 3-5).

26. As to claims 11-12, the claims are rejected for reasons similar to claim 2 above.

### ***Conclusion***

27. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See the Notice of References Cited (PTO-892).

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN P. WHIPPLE whose telephone number is (571)270-1244. The examiner can normally be reached on Mon-Fri (9:30 AM to 6:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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